

# SENATE JOURNAL

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## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**THIRTY-SEVENTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 14, 2012**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Davis, Heider, Pearce, and Siddoway, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 14, 2012

The JUDICIARY AND RULES Committee reports that [S 1317](#), [S 1318](#), [S 1319](#), [S 1320](#), [S 1321](#), [S 1322](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1326](#), [S 1327](#), [S 1328](#), [S 1329](#), [SCR 120](#), and [SJM 103](#) have been correctly printed.

DARRINGTON, Chairman

[S 1317](#) and [S 1319](#) were referred to the Transportation Committee.

[S 1318](#), [S 1322](#), and [S 1323](#) were referred to the State Affairs Committee.

[S 1320](#) and [S 1321](#) were referred to the Resources and Environment Committee.

[S 1324](#) and [S 1325](#) were referred to the Judiciary and Rules Committee.

[S 1326](#) was referred to the Health and Welfare Committee.

[S 1327](#), [S 1328](#), and [S 1329](#) were referred to the Education Committee.

[SCR 120](#) and [SJM 103](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2012

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Michael D. Gibson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2014.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Pearce was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

Senator Heider was recorded present at this order of business.

February 14, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1257](#) and [S 1267](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

February 13, 2012

Dear Mr. President:

I transmit herewith [H 443](#), [H 446](#), and [H 449](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 443](#), [H 446](#), and [H 449](#) were filed for first reading.

February 13, 2012

Dear Mr. President:

I return herewith [S 1213](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1213](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

On request by Senator Winder, granted by unanimous consent, [SCR 117](#) retained its place on the calendar for Wednesday, February 15, 2012.

The President announced that [SCR 118](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Tippets, seconded by Senator McGee, [SCR 118](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senators Davis and Siddoway were recorded present at this order of business.

On request by Senator Siddoway, granted by unanimous consent, [SCR 117](#) was referred to the Agricultural Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the gubernatorial appointment of Jean M. Fisher was placed after the appointment of Jim Yost.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

[H 443](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 446](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 449](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

[S 1283](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[H 402](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[S 1292](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

On request by Senator Davis, granted by unanimous consent, [S 1281](#) retained its place on the Third Reading Calendar for Monday, February 20, 2012.

On request by Senator Davis, granted by unanimous consent, [SJR 104](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1236](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1236](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1263](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1259](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 31.

NAYS—Fulcher, Malloy (McKague), Pearce, Vick. Total - 4.

Total - 35.

Whereupon the President declared [S 1259](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1214](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1214](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1272](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1272](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Goedde, granted by unanimous consent, [S 1268](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1279](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1279](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Bock, granted by unanimous consent, [S 1277](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1278](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1278](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1280](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1280](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 404](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, McGee, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippetts, Toryanski, Vick, Winder. Total - 26.

NAYS—Bilyeu, Bock, Johnson, LeFavour, Malepeai, Malloy (McKague), Schmidt, Stennett, Werk. Total - 9.

Total - 35.

Whereupon the President declared [H 404](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, February 15, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary